

**MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON, NEW YORK HELD ON WEDNESDAY MARCH 30, 1994 8:00 P.M. TRUSTEES MEETING ROOM, 85 MAIN STREET, IRVINGTON, NEW YORK.**

Present: Robert D. Reisman, Mayor  
Dennis P. Flood, Trustee  
Garrard R. Beeney, Trustee  
Robert H. Pouch, Trustee  
A. Barrett Seaman, Trustee  
Kevin J. Plunkett, Village Attorney  
Stephen A. McCabe, Administrator  
Lawrence S. Schopfer, Clerk-Treasurer  
Eugene Hughey, Building Inspector

The meeting was called to order by Mayor Reisman who led the attendance in the pledge of allegiance to the flag of the United States of America.

Mayor Reisman introduced the public hearing on the proposed zoning change in one family residential districts and the related SEQRA. Upon a motion made by Trustee Beeney and seconded by Trustee Seaman and unanimously approved, the Board declared itself lead agency with respect to the environmental assessment review pursuant to the proposed amendment to the zoning ordinance with respect to one family residential districts. The Board noted no objections to said declaration.

Mayor Reisman and the members of the Board indicated that the Board has taken a hard look at the aforementioned EAF. The Board determined that the proposed action was a Type I action pursuant to SEQRA. After a thorough discussion and hard look at the EAF, the Board on motion of Trustee Seaman and seconded by Trustee Beeney and unanimously approved, issued a negative declaration. A negative declaration will be filed as directed by law.

Mayor Reisman opened the public hearing with respect to the proposed legislation. He provided some background on the matter.

Trustee Beeney also reviewed the background on the matter, noted that he believed that the proposed legislation represents a compromise between parties on both sides of the issue. He cited a letter received from the Westchester County Planning Board that commended the Board on the well conceived home office legislation. With respect to the legislation itself, Trustee Beeney indicated that it protects or grandfathers current home offices, it introduced a registration process, and it limits the size and imposes parking requirements on any new home offices.

Trustee Seaman outlined his minor changes to the legislation. Village Attorney Kevin Plunkett clarified the changes, which changes will be incorporated in the final revision of the legislation.

Trustee Flood indicated that this legislation represents a first step in the right direction.

Mayor Reisman read a letter from Peter Slotta offering suggestions as to possible solutions for the home office problem. A copy of the letter is attached hereto as a part of these minutes.

Mayor Reisman opened the floor to any comments. Margaret Simzik questioned the registration process as being unnecessary and asked how people could learn what the parking limits would be. Kevin Plunkett indicated that all such information will be contained in the zoning code. She also suggested that a committee be formed, to which the Board's response was that such a committee would not have any authority and that ultimate authority in the matter rests with the Village Board. Harry Kovsky questioned how the grandfathering was intended to work. The Board indicated that registration was required in order to be eligible for grandfathering. Bill Hoppen indicated that registration should only be required of "offensive" type businesses. Brian McQuade commended the Trustees on bringing both sides together on this matter. He also indicated that "inconspicuous" businesses should be left out of the process. Trustee Seaman and Trustee Pouch both responded to these concerns by indicating that it is difficult to determine which business fit this description.

Richard Grose claimed that this was a good compromise. He made a point that due to the space limitations contained within the proposed legislation, medical offices will no longer exist within homes in Irvington. Dr. Ebenstein also stated that it was a good compromise and that the census (registration) was needed in order to monitor the issue and see if there is a problem. Harry Kovsky questioned the distinction between full time and part time employees and the on-site parking requirements. Jack Higgons requested that the preamble written into the original proposal of 11/92 be included in this legislation. He also noted that other places have banned home offices outright.

Steven Colwell questioned the ability to sell goods from the home under the proposed legislation. Anne Myers stated that she does not view it as a compromise. The legislation only documents home offices through the registration process. It does not address the real tough issues of traffic and privacy. Ara Mantarian questioned whether tag sales would be illegal. Pat Sarfaty noted that there are many more UPS deliveries as a result of the increased numbers of home offices. Adele Warnock stated that she likes the idea of grandfathering but questioned whether the registration process will work.

Linda Leary stated that she still does not feel safe with this law because it does not address important issues such as traffic. Najib Budieri questioned how this could be enforced. The Board responded by indicating that it would be enforced in the same manner as the rest of the Village Code: by Village officials, in this case, the Building Inspector. Connie Porter stated that the community is left vulnerable with this legislation. She noted that there should be restriction on the hours of operation and number of employees allowed. Building Inspector Gene Hughey discussed the enforcement procedures to be used in the enforcement of unregistered businesses.

Dr. Ebenstein noted that all residents must live together and that the purpose of this legislation is to be able to chart trends. Harry Kovsky noted that question #5 as presented on the registration form is an invasion of privacy. There being no further discussion on this matter, Mayor Reisman closed the public hearing.

A motion was made by Trustee Seaman and seconded by Trustee Beeney to adopt the proposed legislation as amended. Comments were made by the entire Board with respect to this matter. Subsequently, the Board unanimously approved the proposed amendment to the zoning ordinance with respect to one family residential districts as amended.

Upon a motion duly made and seconded and unanimously approved, the Board adjourned to executive session to take up litigation and personnel matters.

After reconvening from executive session, there being no further business to conduct, the meeting was adjourned.

---

Lawrence S. Schopfer, Clerk-Treasurer

Attachments